REMARKS

The following amendments and remarks are being filed in response to the Official Action dated July 23, 2003. For the following reasons, this application should be considered in condition for allowance and the case passed to issue.

Claims 1-14 are withdrawn from further consideration as being drawn to a non-elected species. Hence, the only current issue in the application relates to the rejection of claim 15 under 35 U.S.C. § 102(b).

Claim 15 was rejected under 35 U.S.C. §102(b) as being anticipated by Tanaka et al. This rejection is hereby traversed and reconsideration and withdrawal thereof are respectfully requested. The following is a comparison of the present invention with the Tanaka et al. reference.

As recited in claim 15, the present invention relates to an axle supporting structure for industrial vehicles. The supporting structure comprises an axle supporting wheels, a vehicle frame, and a pair of links which connect the axle and the vehicle frame. The links are disposed upwardly of the axle in a vertical direction and are disposed symmetrically about the center of the vehicle and inclined symmetrically with respect to each other in a trapezoid arrangement. The pair of links incline differently according to the relative displacement of the axle and vehicle frame and the left and right direction of the vehicle, and the posture of the vehicle is thereby controlled.

To anticipate the claims of a patent application, a single prior art reference must identically disclose each and every element of the claimed invention. Without identical disclosure of each and every element in a single prior art reference, any rejection under 35 U.S.C. § 102 is improper. It is respectfully submitted that Tanaka et al. fails to disclose

identically each and every element of the claimed invention, as recited in amended claim 15. Further, although the invention as provided in original claim 15 is patentably distinct from Tanaka et al., the amendments made to claim 15 further clarify and define the invention over Tanaka et al.

Tanaka et al., U.S. Patent No. 4,813,507, shows an axle supporting structure for vehicles in which a pair of trailing arms 6 are attached to beam 21 at both ends of the beam connected to the vehicle body. In making a rejection based on anticipation, the Examiner is required to point out with particularity how each of the claim elements are met by the reference. Instead, the Examiner has merely referenced a pair of links 6 that connect the axle to the vehicle frame, and otherwise simply repeats original claim 15. No reference or comparison of the other recited features of claim 15 have been made by the Examiner to Tanaka et al. This cannot be done in the present case, however, since Tanaka et al. simply fails to disclose the claimed elements. In Tanaka et al., a pair of trailing arms 6 are attached to a beam 21 at both ends of the beam connected to the vehicle body. However, these trailing arms 6 extend forwardly to the vehicle body and are disposed in a horizontal direction. By contrast, the present invention, as required in claim 15, requires the links to be disposed upwardly at the axle in a vertical direction.

Claim 15 of the invention also requires the pair of links to incline differently according to the relative displacement of the axle and vehicle frame in the left and right direction of the vehicle. In Tanaka et al., the trailing arms 6 do not incline differently when the axle and vehicle body displace relatively in the left and right direction of the vehicle. Instead, the trailing arms 6 only incline when the axle and vehicle body are displaced relatively in the vertical (as opposed to lateral) direction.

Thirdly, as seen in Figure 18 of the present application, and required by claim 15, the links are disposed symmetrically about the center of the vehicle and inclined symmetrically with respect to each other in a trapezoid arrangement. Tanaka et al. does not disclose such an arrangement of links, which appear to be provided in a perpendicular arrangement, rather than inclined symmetrically with respect to each other in trapezoid arrangement.

Hence, the present invention describes a pair of links 81, 82 that connect the axle 1 in the vehicle frame 6, these links being disposed upwardly of the axle 1 in a vertical direction, as shown in Figure 18. The links 81, 82 incline in a vertical plane, differently according to the relative displacement of the axle 1 and vehicle 6 in the left and right direction of the vehicle to control the posture of the vehicle. The Examiner has not shown that Tanaka et al. either discloses or suggests these claimed features. Accordingly, the rejection of claim 15 under 35 U.S.C. §102(b) should be reconsidered and withdrawn and such action is respectfully requested.

In light of the amendments and remarks above, this application should be considered in condition for allowance and the case passed to issue. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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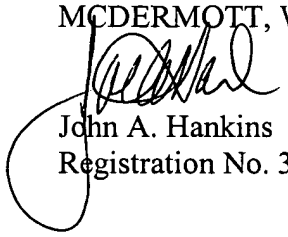

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